

EXHIBIT 10

1 Volume I

Pages: 1 - 242

2 Exhibits: 1 - 27

3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY

10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

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24 Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

<p>10</p> <p>1 I explained to him that we deal with any type of 2 inappropriate touching, we don't deal with any 3 sexual harassment or anything. 4 He explained to me that he was having 5 a problem with one of his bosses at work who was 6 constantly touching him and some of the other men 7 that he worked with. He explained that his boss had 8 kissed him at one point and there had been an 9 incident on a loading dock. I said we don't take 10 any information on the phone because I don't know 11 who I am talking to, and if he would like to come in 12 and speak with me he could set up an appointment, 13 and we did that from that. 14 Q. At some point did Mr. Bavis come in and 15 speak with you? 16 A. Yes, he did. I don't know the exact date. 17 I believe it was December 22nd, but I am not a 18 hundred percent sure. 19 Q. Now, during that initial telephone call 20 that you had just talked about was there any other 21 thing said by Mr. Bavis? 22 A. In terms of? 23 Q. Other than what you have mentioned. 24 A. No. Not at the time.</p>	<p>12</p> <p>1 that office? 2 A. Four. 3 Q. And are those numbers what the staffing 4 level was back in December of 2003? 5 A. No. I believe we had three more detectives 6 at that point. 7 Q. So about twelve detectives back in December 8 of 2003? 9 A. Yes. 10 Q. Six supervisors and about four 11 administrative staff? 12 A. Yes. 13 Q. Could you further explain the portion of 14 that building that is occupied by the Sexual Assault 15 Unit? Is it a one floor or multi floors or what? 16 A. When you enter East Concord Street you go 17 up a flight of stairs. The outside of our door to 18 the left there is a sign that has Boston Police SAU. 19 It's a door, but there is a window you can see in. 20 You go in. It looks like a wing of a hospital. 21 There is a desk in front of you. To the left and to 22 the right are long hallways that have offices. Each 23 office has a shower in it and an office space. It 24 was originally where people gave birth. So you come</p>
<p>11</p> <p>1 Q. Where did you meet Mr. Bavis on or about 2 December 22nd, 2003? 3 A. He came to my office. 4 Q. And where was your office at the time? 5 A. 91 East Concord Street in Boston. 6 Q. And I assume that your office is in the 7 detective bureau of that building? 8 A. No. It's the old maternity ward at the 9 Boston Medical Center. 10 Q. Oh, okay. And what kind of office is it? 11 How big is it, how many police officers have offices 12 there, so to speak? 13 A. It's just the Sexual Assault Unit. Right 14 now we only have nine detectives and four 15 supervisors. We share space with the free clinic 16 and the administrative part of the Boston Medical 17 Center, so it's not a marked building. 18 It just says 85 to 91 East Concord. 19 Q. You indicated there are nine detectives and 20 four supervisors? 21 A. Sorry. Six supervisors, yes. 22 Q. And so fifteen officers? 23 A. Yes. 24 Q. And how many administrative staff are at</p>	<p>13</p> <p>1 in the front door. There is a couch there. 2 Administrative staff sits there. There is a small 3 kitchen to the right, and like I said, down to the 4 left and down to the right are hallways. 5 Q. And do you have an office or did you have 6 an office back in 2003 or did you have a desk in an 7 open office area? 8 A. No. They are all separate offices with 9 doors, walls. 10 Q. When you met with Mr. Bavis on that day, 11 approximately December 22nd, 2003, where did you 12 speak with him? 13 A. I spoke with him in one of the other 14 detectives' offices that are bigger because there 15 was two people with him. There was another person 16 with him. 17 Q. Whose office did you speak in on that day? 18 Do you recall? 19 A. Yes. Detective Lisa Holmes' office. 20 Q. Is Holmes H-o-l-m-e-s? 21 A. Yes, it is. 22 Q. Was there anybody else present? Is that 23 Detective Holmes? 24 A. Yes.</p>

Erin T. Withington - March 31, 2005

<p style="text-align: right;">14</p> <p>1 Q. Was there anybody else present in Detective 2 Holmes' office when you spoke with 3 Mr. Bavis other than you and Mr. Bavis? 4 A. Yes. 5 Q. And who was present in that office? 6 A. He asked if Mr. Joe Perry could stay. 7 That's who he brought with him. 8 Q. Did he indicate why he wanted 9 Mr. Perry to be with him when he spoke with you? 10 A. He said he was embarrassed about the nature 11 of why he was there, that, and he didn't really 12 think that men go to a Sexual Assault Unit, so he 13 felt more comfortable having 14 Mr. Perry sit with him. 15 Q. Other than you, Mr. Bavis and 16 Mr. Perry in that office on or about December 22nd, 17 was there anybody else present during the 18 conversation? 19 A. No, there was not. 20 Q. And could you please state what 21 conversation occurred on that day when you were in 22 the office? 23 A. Sure. Mr. Perry actually started talking 24 about a problem that, the ongoing problem that he</p>	<p style="text-align: right;">16</p> <p>1 sent him home for the day without pay. 2 Q. Did Mr. Bavis say anything other than that 3 to you in the office that day? 4 A. No. He just -- not that I remember. 5 He just stated that there was an ongoing problem 6 that had occurred. I believe the dock incident he 7 thought took place at the end of 2002, beginning of 8 2003, and that other incident had occurred within 9 the year of 2003. 10 Q. Did Mr. Bavis say anything other than that 11 during that conversation you had on or about 12 December 22, 2003? 13 A. He stated that he had had, he got a little 14 bit into his work about one of his bosses. His name 15 is also Mr. Perry. I can't remember his first name. 16 He stated that he had had problems with him, that he 17 had gone to him to complain about Mr. Hosseini and 18 that nothing was done. He talked a little bit about 19 speaking with the management about sexual 20 harassment. I stopped him at that time and 21 explained that the Boston Police Sexual Assault Unit 22 doesn't bring sexual harassment charges, that he 23 needs to think of something civilly, that's not 24 something we dealt with, and other than that, that</p>
<p style="text-align: right;">15</p> <p>1 had also had with Mr. Hosseini. 2 I asked him at that time if he was, was he bringing 3 a case forward or was it something that he wanted 4 investigated. If it was, then we were going to have 5 him leave and just do one person at a time. 6 He said no, he was there to support 7 Mr. Bavis, so I asked Mr. Bavis what had happened 8 and he explained to me that he was a Teamster, he 9 worked out of the Hynes Convention Center at the 10 present time, other places at different times, and 11 that Mr. Hosseini was his boss, and that if Mr. 12 Bavis was bending over Mr. Hosseini would walk by 13 him so that, both fully dressed, the front of Mr. 14 Hosseini's groin would rub against Mr. Bavis' 15 buttocks as he walked by. He said that happened a 16 lot. 17 Then he explained an incident that 18 happened on a loading dock where he came up to Mr. 19 Perry -- excuse me -- Mr. Bavis, and grabbed, Mr. 20 Hosseini grabbed Mr. Bavis by the shoulders, ground 21 his crotch against Mr. Bavis's crotch, and then 22 kissed him on the cheek, and Mr. Bavis stated that 23 he told Mr. Hosseini that if he touched him again he 24 was going to physically hurt him, and Mr. Hosseini</p>	<p style="text-align: right;">17</p> <p>1 was the only conversation. 2 Q. What did Mr. Perry say to you during that 3 first conversation that you had with 4 Mr. Perry on or about December 22nd? 5 A. I asked Mr. Perry what the nature of the 6 incident with Mr. Hosseini was, and he stated Mr. 7 Hosseini had touched his buttocks and kissed him on 8 the cheek on numerous occasions, but that he didn't 9 wish to bring it forward as a complaint or wish to 10 have it investigated by the Boston police, that he 11 was just there to support his friend. 12 Q. And did you ask any questions of 13 Mr. Perry or Mr. Bavis on that day? 14 A. Other than to establish what had happened 15 with Mr. Bavis and Mr. Hosseini and to ask Mr. Perry 16 what had happened with him, you know. I asked them 17 was there anybody else that was having a problem 18 with him. They stated that there was and that they 19 would get back to me with different names. That 20 didn't occur, so I just explained to them what 21 happened, what would happen from there, and if there 22 was somebody else that needed to speak with me, that 23 they could pass my card on or give my phone number 24 and have them call if there were other people that</p>